

United States District Court
District of Massachusetts

_____)	
Haemonetics Corp.,)	
Plaintiff,)	
)	
v.)	Civil Action No.
)	05-12572-NMG
Baxter Healthcare Corp. and)	
Fenwal Inc.,)	
Defendants.)	
_____)	

VERDICT FORM

INFRINGEMENT

Question 1: Do you find that the plaintiff, **Haemonetics**, has proven, by a preponderance of the evidence, that the defendants, **Baxter and Fenwal**, infringed Claim 16 of the '983 patent?

Answer: Yes ✓ No

IF YOU ANSWER QUESTION 1 "YES", PROCEED TO QUESTIONS 2a AND 2b;
IF YOU ANSWER QUESTION 1 "NO", YOUR DELIBERATIONS ARE COMPLETE.

VALIDITY

Question 2a: Do you find that the defendants, **Baxter and Fenwal**, have proven, by clear and convincing evidence, that Claim 16 of the '983 patent is invalid because of prior invention?

Answer: Yes _____ No ✓

Question 2b: Do you find that the defendants, **Baxter and Fenwal**, have proven, by clear and convincing evidence, that Claim 16 of the '983 patent is invalid because of obviousness?

Answer: Yes _____ No ✓

IF YOU ANSWER EITHER OF QUESTIONS 2a OR 2b (OR BOTH) "YES", YOUR DELIBERATIONS ARE COMPLETE; IF YOU ANSWER BOTH QUESTIONS 2a AND 2b "NO", PROCEED TO QUESTION 3.

DAMAGES

Question 3: Do you find that the plaintiff, **Haemonetics**, has proven, by a preponderance of the evidence, to have suffered lost profits as a result of the infringement of the '983 patent:

Answer: Yes ✓ No

**IF YOU ANSWER QUESTION 3 "YES", PROCEED TO QUESTIONS 4 AND 5;
IF YOU ANSWER QUESTION 3 "NO", PROCEED TO QUESTION 5.**

Question 4: Indicate the amount of lost profits that you find the plaintiff, **Haemonetics**, has suffered as a result of the infringement of the '983 patent:

Eleven million, three hundred thirty five thousand, nine Dollars
(Words) hundred thirty five
(\$ 11,335,935)
(Numbers)

Question 5: With respect to any infringing sales for which you do not award lost profits damages, indicate the amount of reasonable royalty damages that you find the plaintiff, **Haemonetics**, has suffered as a result of the infringement of the '983 patent:

Four million, three hundred forty nine thousand, eight Dollars
(Words) hundred thirty five
(\$ 4,349,835)
(Numbers)

YOUR DELIBERATIONS ARE COMPLETE. THE FOREPERSON WILL SIGN THE VERDICT FORM AND NOTIFY THE MARSHAL IN WRITING THAT THE JURY HAS COME TO A DECISION BUT **DO NOT REVEAL YOUR VERDICT TO THE MARSHAL.** THE JURY WILL THEN BE INVITED TO THE COURTROOM TO RETURN ITS VERDICT.

30 January 2009
Date

Jerry Shallenbeyer
Foreperson